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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/757,514

01/15/2004

Michael Stanek

2003\_1861A

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07/14/2005

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EXAMINER

BOYKIN, TERRESSA M

ART UNIT

PAPER NUMBER

1711

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/757,514

Applicant(s)

STANEK ET AL.

Examiner

Terressa M. Boykin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by USP 4730035 see cols. 2-5, example 1 and claim 1; or USP 5703203 see abstract, cols. 2-4 and examples.**

USP 5703203 discloses a method for removing oligomers from substantially crystalline, alpha-olefin polymer particles without having to melt the particles. The method comprises fluidizing a bed of the particles with a gas in which the oligomers are soluble, which bed is at a temperature at which the particles are not sticky, but at least lower molecular weight oligomers will evaporate therefrom, and maintaining the particles in the fluidized bed until a substantial portion of the oligomers have evaporated and have been removed from the bed by the fluidizing gas. By regulating the bed temperature and the residence time of the particles in the bed the proportion and chain length of the oligomers removed can be controlled.

USP 4730035 discloses a process for removing residual acid from moist halogenated polymer resins during drying thereof. This invention more particularly concerns use of an inert drying gas to remove residual acid from moist halogenated

polymer resins during drying thereof.

The reference discloses a continuous batch drying process. In the batch process, a heated inert drying gas is passed through the moist halogenated resin or, if necessary, the admixture at a fluidization velocity sufficient to establish and maintain the moist resin or admixture as a fluidized bed. The fluidization velocity is suitably from about 0.6 to about 1.6, beneficially from about 0.8 to about 1.2, meters per second. Lesser fluidization velocities are insufficient to provide a fluidized bed. Greater velocities, while attainable, are undesirable because they will cause the resin or admixture to be blown out of a fluidized bed apparatus, e.g., a fluidized bed dryer. The heated inert drying gas is passed through the resin or admixture for a period of time sufficient to provide a dried polymer resin having a reduced water content of from about 0.05 to about four weight percent, based upon combined weight of water and resin. The period of time also suffices to reduce the residual acid loading to a level of from about 5,000 to about 200, desirably from about 1000 to about 200, parts by weight of acid per million parts by weight of halogenated resin, based upon dry weight of resin. The dried polymer resin so produced is white in color. In other words, it has no visually detectable areas of discoloration. This is in sharp contrast to hues of yellow, brown or green which result when the process of the present invention is duplicated save for substituting air for the inert drying gas. In a second stage of the continuous process, the fluidized bed is maintained while a second heated drying gas is passed therethrough for a period of time. The period of time is sufficient to produce a nearly dry resin. The nearly dry resin has a reduced water content of from about 3 to about 30 weight percent, based upon combined weight of water and resin. The period of time also suffices to reduce the residual acid loading to a level of from about 600 to about 20,000 parts by weight of acid per million parts of halogenated resin, based upon dry weight of halogenated resin. The

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nearly dry resin is white with no visually detectable areas of discoloration. If desired, the continuous process may have a third stage wherein a heated inert drying gas is passed through the fluidized bed of nearly dry resin for an additional period of time.

Thus, in view of the above, there appears to be no significant difference between the reference and that which is claimed by applicant(s). Any differences not specifically mentioned appear to be conventional. Consequently, the claimed invention cannot be deemed as novel and accordingly is unpatentable.

### **35 USC 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable USP 4730035 see cols. 2-5, example 1 and claim 1; or USP 5703203 see abstract, cols. 2-4 and examples in view of USP 4423016.**

With regard to claim 8, the references disclose a process prepared from the same components as claimed by applicants except for the particular apparatus part employing a double pendulum flap via a nibbler or a static sieve with a rotor.

**USP 4423016** discloses a process using a fluidized bed for drying a polymer product. Particularly, **USP 4423016** discloses that, in general, a conventional feeding element is, for example, a *double pendulum flap* or a rotary blade gate valve. Thus, since it is

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clear from applicant's specification and claims that the gel polymers are fed to a fluidized bed, such use for a double pendulum flap lends no novelty or unexpected step to the process but is instead merely a functional means for accomplishing said step.

Consequently, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a double pendulum flap as the means for feeding the polymer gel or other products therein in order to complete the process as claimed.

### **35 USC 112, Second Paragraph**

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recited "fluidized bed" as interpreted in view of the specification is unclear. The word "dryer" should be put in before/after the recited "bed" in line 5 of claim 1.

### **Correspondence**

**Please note that the cited U.S. patents and patent application publications are available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are available on the USPTO web site ([www.uspto.gov](http://www.uspto.gov)), from the Office of Public Records and from commercial sources. Applicants may be referred to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197.**

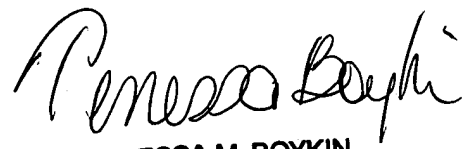
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Terressa Boykin whose telephone number is 571 272-1069. The examiner can normally be reached on Monday through Friday from 6:30am to 3:00pm.

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The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. The general information number for listings of personnel is ( 571-272-1700).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tmb

  
TERRESSA M. BOYKIN  
PRIMARY EXAMINER